

EXHIBIT 2

Declaration of Leah Godesky

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a Delaware corporation,)	Case No: 16-cv-1054 (WMW/DTS)
)	
)	
Plaintiff,)	
)	
v.)	Jury Trial Demanded
)	
FEDERAL INSURANCE COMPANY, An)	
Indiana corporation, and ACE AMERICAN)	
INSURANCE COMPANY, a Pennsylvania)	
corporation)	
)	
Defendants.)	

EXPERT REPORT OF WILLIAM S. MCCARTER

May 17th, 2019

CONFIDENTIAL – ATTORNEY’S EYES ONLY

119. Federal developed or contracted to have developed its proprietary insurance applications that use Blaze for rules management.

120. Federal's gross written premium revenue and profits are the result of Federal's insurance knowledge, expertise, and access to insurance markets; its insurance products, business logic, and data; and its complex harmonization of individual technologies and production skills used to conduct insurance business.⁵⁹

121. Federal did not profit from the use of Blaze. Federal profits are from its core insurance business. Federal is not a software company and would not benefit as a software company from a software breach.

XI. RESPONSES TO MR. WHITENER'S EXPERT WITNESS REPORT

122. Mr. Whitener's overall opinion is that Blaze contributed to gross written premium revenue generation and generated profits for Federal. I disagree with Mr. Whitener's opinion. Federal's revenue and profits are not attributable to Federal's use of Blaze.

123. My responses focus on each section of Mr. Whitener's expert report. I rely on the information contained in Mr. Whitener's report, information contained in my expert report, case related documents, my experience, education, and research. I reserve the right to amend my responses as expert discovery continues.

A. FICO's Blaze Advisor Decision Management Software⁶⁰

124. Mr. Whitener's expert report focuses on the importance of Decision Management software. Federal is using Blaze software which is the decision business rules management system technology of FICO's Decision Management Suite. Federal is not using all of the tools from FICO's Decision Management Suite which is a separate offering from FICO. My responses and opinions are related to the use of Blaze as a decision business rules management system.

125. Mr. Whitener highlights that FICO is the "world's leading business rules management system". This claim is from FICO's marketing material. My data indicates IBM is the leader in the

⁵⁹ Hamel, G. Prahalad, C.K. (May-June 1990). The Core Competence of the Corporation. Harvard Business Review. Boston, MA. Pg. 7. (competence in products with access to markets...contribution to the end customer product...Harmonization of complex individual technologies and production skills".

⁶⁰ Mr. R. Bickley (Bick) Whitener. (2019 April 19). "Expert Report of R. Bickley (Bick) Whitener". (*Whitener Report*) pg. 4-6